

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK DALE FONTROY, et al.,	:	CIVIL ACTION
Plaintiffs	:	
v.	:	
GOVERNOR MARK SCHWEIKER, et al.,	:	
Defendants	:	NO. 02-CV-2949

DEFENDANTS' SUPPLEMENT TO SUPPLEMENTAL MEMORANDUM

Defendants have submitted a Supplemental Memorandum with the amended DC-ADM 803 on Inmate Mail that became effective July 15, 2004. This Supplement presents the specific differences in the sections on incoming mail from attorneys and courts between the policy that became effective September 30, 2002 and the amendments that became effective July 15, 2004. Where the amendments added words to existing sub-paragraphs, the new words are italicized and bold.

<u>SEPTEMBER 30, 2002</u>	<u>JULY 15, 2004</u>
<p>Section VI.B.2.b(1): Attorney Control Number (1) An attorney may seek advance permission from the Department's Office of Chief Counsel to use an attorney control number. If a number is obtained and used as set forth below, mail from attorneys using the number will be opened in the presence of the inmate.</p>	<p>Section VI.B.2.b(1): Control Number (1) An attorney <i>or court</i> may seek advance permission from the Department's Office of Chief Counsel to use an attorney control number. If a control number is obtained and used as set forth below, mail from <i>an attorney or court</i> using the number shall be opened in the presence of the inmate.</p>

<u>SEPTEMBER 30, 2002</u>	<u>JULY 15, 2004</u>
Section VI.B.2.b(2)(b): None	<p>Section VI.B.2.b(2)(b):</p> <p>(2) An attorney or court seeking a control number shall send a letter via facsimile to number 717-975-2217 to the attention of Office of Chief Counsel, Control Number Request.</p> <p>...</p> <p>(b) A letter from a court requesting a control number shall be on official letterhead and shall be signed by any judge or chief non-judicial officer of the court (e.g., chief clerk). Although the request from the court need not contain a verification, the control number should be used only for mail the sender truly deems confidential.</p>
Section VI.B.3: None	<p>Section VI.B.3:</p> <p>Mail that appears to be from a court, but bears no control number, shall be opened and inspected for contraband by the facility's mailroom staff in accordance with Section VI. D. 1. of this policy. If no contraband is found, the contents shall be placed back into the envelope, which shall then be taped or stapled shut. Staff shall then deliver this court mail to the inmate in accordance with Section VI. B. 2. b. (6) above, ensuring that a staff member hands the mail directly to the inmate. However, the delivering staff member need not re-open and re-inspect this court mail.</p>

<u>SEPTEMBER 30, 2002</u>	<u>JULY 15, 2004</u>
Section VI.D.1.a.: D. Security 1. Incoming Correspondence a. The facility's mailroom staff shall open and inspect all incoming correspondence unless it is incoming privileged correspondence that will be processed as set forth in Section VI.B.2 above and opened in the presence of the inmate.	Section VI.D.1.a.: D. Security 1. Incoming Correspondence a. The facility's mailroom staff shall open and inspect all incoming correspondence unless it is incoming privileged correspondence that will be processed as set forth in Section VI.B.2 above and opened in the presence of the inmate. <i>Mailroom staff will not read incoming correspondence unless authorized to do so under sub-paragraph c. below.</i>

In addition, Sections VI.B.2.b.(3), (4), and (5) also add the word "court" when referencing control numbers.

Section VI.D.1.a. actually applies to all incoming mail, not just mail from attorneys or courts. Mailroom staff are not to read any of it.

GERALD J. PAPPERT
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By: s/ John O. J. Shellenberger

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CERTIFICATE OF SERVICE

I, John O. J. Shellenberger, hereby certify that Defendants' Supplement to Supplemental Memorandum has been filed electronically and is available for viewing and downloading from the Court's Electronic Case Filing System. I further certify that a true and correct copy of Defendants' Supplement to Supplemental Memorandum was e-mailed on July 26, 2004 to:

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s/ John O. J. Shellenberger

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